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FEB 10 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID T. COOPER
Plaintiff

v.

REGINALD A. ROBERTS, et al.,
Defendants

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CIVIL ACTION LAW

NO. [#] 08-CV-346

PLAINTIFF'S MOTION FOR REQUEST FOR EXTENSION OF TIME
TO RESPOND TO THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT

AND NOW COMES Plaintiff in the above caption matter who hereby moves for an Extension of time for 45 days so that Plaintiff and defendants may complete Discovery, which the Defendants has not answered and hereby alleges as follows:

Before the Honorable Court is the remaining Defendants motion for Pretrial Summary Judgment.

LEGAL STANDARD

1. Any party may move for summary judgment in whole or in part if there is no genuine issue of material fact as to necessary element of the cause of action or defense that could be established by additional discovery or expert report or if, after completion of discovery.

2. In the Plaintiff's case Discovery has not been addressed as a matter of law, Plaintiff has made an effort to recover materials all to no avail.

3. On October 9, 2008 a notice was submitted by the Plaintiff concerning discovery materials, a date was set for the Defendants to hand over the requested information. And as of this date the Defendants still refuse to hand over the requested materials for discovery.

4. Plaintiff's grounds presented throughout the travesty of litigation and Plaintiff attempts to recover discovery, warrant constitutional protection and further action by this Honorable Court.

5. Paramount to Plaintiff's previously request, and the Defendants refusal to present said discovery, has created a severe disadvantage to Plaintiff and has further prejudiced the process. Because of this factor Plaintiff respectfully request for more time in which to respond to the Defendants motion for Pretrial Summary Judgment.

Plaintiff Additionally Seeks an Order that the Defendants hand over the materials for discovery. And until the settlement is addressed between the party's and/or attempt thereof.

WHEREFORE, because of the above foregoing reasons Plaintiff seeks The Honorable Court consideration and help as the provisions set forth in Rules of Civil Procedure. And for this Plaintiff shall ever pray.

Respectfully submitted:



David T. Copper #DJ-7072
1100 Pike Street
Huntingdon, Pennsylvania 16654

Dated: 1.27.09

PROOF OF SERVICE

I do hereby verify that a true and correct copy has been served upon the person(s) listed below, said service was made by first class U.S. Mail.

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Dated: 1.27.09